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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/198,590 11/23/98 CHANDRUPATLA

S CISCO-0610

EXAMINER

LM02/0510

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ART UNIT

PAPER NUMBER

2764

DATE MAILED:

05/10/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/198,590

Applicant(s)
Chandrupatia et al.

Examiner
Nga B. Nguyen

Group Art Unit
2764



☒ Responsive to communication(s) filed on Mar 31, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-24 and 26-35 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-24 and 26-35 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 10

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

1. This Office Action is the answer to the communication filed on March 31, 2000 , which paper has been placed of record in the file.
2. Claim 25 is canceled, claims 26-35 are added. Claims 1-24 and 26-35 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection. According to applicant's argument regarding to claims 1, 13-18 and 22-24, Examiner agrees with applicant that the prior art of Reeder (5,852,812) does not teach the feature of recording and tracking network flow data including data regarding the number of packets utilized by a user. However, the prior art of McCreery (5,787,253 is provided by Examiner in the previous Office action) teaches the feature of recording and tracking network flow data including data regarding the number of packets utilized by a user (see abstract, columns 1-2 and 4-5). Moreover, regarding to new claims 26-35 added, McCreery teaches network flow data includes data regarding the type of packets utilized by user (column 2, lines 1-5). Therefore, the Examiner decides to change the rejections to *35 USC § 103(a)* on claims 1-24 and 26-35 as being unpatentable over Reeder, U.S. Patent No. 5,852,812 in view of McCreery et al, U.S. Patent No. 5,787,253.

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4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-24 and 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder, U.S. Patent No. 5,852,812 in view of McCreery et al, U.S. Patent No. 5,787,253 .

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Regarding claim 1, Reeder discloses a method for accounting for network usage comprising (see figures 3, 5, 7, 9 and column 7, line 45-column 12, line 36):

obtaining accounting start-stop event data from an accounting server figures 3, 5, 7, 9;

obtaining network flow data from a router within a network through an intermediary netflow collector (figures 3, 5, 7, 9 and column 7, line 45-column 12, line 36); and

correlating accounting start-stop event data and network flow data into a subscriber specific call detail record (figures 3, 5, 7, 9).

However, Reeder does not teach network flow data including data regarding the number of packets utilized by a user. McCreery teaches network flow data including data regarding the number of packets utilized by a user (see abstract, columns 1-2 and 4-5). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine McCreery's features as described above with Reeder's method in order to record and track the network flow data including data regarding the number and type of packets utilized by a user for the purpose of accounting the usage of network as taught by Reeder.

Regarding claim 2, Reeder discloses the steps of:

parsing accounting start-stop event data from accounting sever on a prescribed time interval (column 10, lines 30-65); and

publishing accounting start-stop event data on an information bus (column 12, lines 12-36).

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Regarding claim 3, Reeder discloses collecting accounting start-stop event data at a target device that subscribes to accounting start-stop event data (column 9, lines 55-column 10, line 22).

Claim 4 contains the same limitation of claims 2 and 3, therefore is rejected by the same rationale.

Regarding claim 5, Reeder discloses aggregating network flow data at network flow collector according to a service provider defined aggregation scheme (column 6, line 19-column 7, line 25) .

Regarding claim 6, Reeder discloses aggregating network flow data further comprises: basing aggregation of network flow data on a specified time period (column 11, lines 45-60).

Regarding claims 7-8, Reeder does not teach the step of: basing aggregation of network flow data on the Internet Protocol Layer 3 and Internet Protocol Layer 4. McCreery et al teach the step of: basing aggregation of network flow data on the Internet Protocol Layer 3 and Internet Protocol Layer 4 (see abstract). It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine McCreery's step of basing aggregation of network flow data on the Internet Protocol Layer 3 and Internet Protocol Layer 4 for the purpose of using Internet Protocol Layer 3 or Internet Protocol Layer 4 to aggregate of network flow data.

Regarding claim 9, Reeder discloses filtering network flow data at network flow collector according to a service provider defined filtration scheme (column 11, lines 45-60).

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Regarding claim 10, Reeder discloses the method further comprises the steps of:

collecting network flow data from a router and forwarding network flow data to network flow collector (column 6, lines 45-57);

aggregating network flow data according to a defined aggregation scheme (column 6, line 19-column 7, line 25);

parsing network flow data from network flow collector (column 10, lines 30-65);

publishing network flow data on an information bus (column 6, lines 58-65).

Regarding claim 11, Reeder discloses filtering network flow data according to a service provider defined filtration scheme (column 11, lines 45-60).

Regarding claim 12, Reeder disclose reformatting call detail record to meet post-correlated applications (column 7, lines 25-35).

Regarding claim 13, Reeder discloses a method for accounting for network usage comprising:

parsing accounting start-stop event data from an accounting server on prescribed time interval (column 10, lines 30-65 and column 11, lines 45-60);

publishing accounting start-stop event data on an information bus (column 6, lines 58-65);

collecting network flow data from a network router and forwarding network flow data to a network flow collector (column 6, lines 45-57);

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aggregating network flow data according to a prescribed aggregation scheme (column 6, line 19-column 7, line 25);

parsing network flow data from network flow collector (column 12, line 60-column 13, line 62);

publishing network flow data on an information bus (column 12, lines 12-36);

collecting accounting start-stop event data and network flow data at a target device that subscribes to accounting start-stop event data and network flow data (figures 3, 5, 7, 9 and column 7, line 45-column 12, line 36); and

correlating accounting start-stop event data and network flow data into a subscriber specific call detail record (figures 3, 5, 7, 9 and column 7, line 45-column 12, line 36).

However, Reeder does not teach network flow data including data regarding the number of packets utilized by a user. McCreery teaches network flow data including data regarding the number of packets utilized by a user (see abstract, columns 1-2 and 4-5). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine McCreery's features as described above with Reeder's method in order to record and track the network flow data including data regarding the number and type of packets utilized by a user for the purpose of accounting the usage of network as taught by Reeder.

Regarding claim 14, Reeder discloses a method for aggregating accounting start-stop event data and network flow data within a computer network comprising (see figures 3, 5, 7, 9 and column 7, line 45-column 12, line 36):

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obtaining accounting start-stop event data from an accounting server (figures 3, 5, 7, 9);
obtaining network flow data from a router within a network through an intermediary
netflow collector (figures 3, 5, 7, 9 and column 7, line 45-column 12, line 36); and
correlating accounting start-stop event data and network flow data into a subscriber
specific call detail record (figures 3, 5, 7, 9 and column 7, line 45-column 12, line 36).

However, Reeder does not teach network flow data including data regarding the number of packets utilized by a user. McCreery teaches network flow data including data regarding the number of packets utilized by a user (see abstract, columns 1-2 and 4-5). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine McCreery's features as described above with Reeder's method in order to record and track the network flow data including data regarding the number and type of packets utilized by a user for the purpose of accounting the usage of network as taught by Reeder.

Claims 15-17 are written in means and contains the same limitations as claims 1, 13-14, respectively, therefore are rejected by the same rationale.

Regarding claim 18, Reeder discloses an apparatus for accounting for network usage (see figures 1-4), comprising:

an accounting adapter in communication with accounting start-stop event data (figures 1-4);

a network flow adapter in communication with network flow data (figures 1-4); and

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an integrating accounting adapter in communication with accounting adapter and network flow adapter which correlates accounting start-stop event data and network flow data into a subscriber specific call detail record (figures 1-4).

However, Reeder does not teach network flow data including data regarding the number of packets utilized by a user. McCreery teaches network flow data including data regarding the number of packets utilized by a user (see abstract, columns 1-2 and 4-5). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine McCreery's features as described above with Reeder's method in order to record and track the network flow data including data regarding the number and type of packets utilized by a user for the purpose of accounting the usage of network as taught by Reeder.

Regarding claim 19, Reeder discloses accounting adapter further comprises:

a parser in communication with an accounting server storing accounting start-stop event data (column 10, lines 30-36); and a publisher in communication with an information bus (column 7, lines 7-40).

Regarding claim 20, Reeder discloses network flow adapter further comprises: a parser in communication with a network router storing network flow data; an aggregator that assembles network flow data according to an aggregation scheme; and a publisher in communication with an information bus (column 6, line 20-column 7, line 40).

Regarding claim 21, Reeder discloses integrating accounting adapter further comprises:

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a correlator that assembles accounting start-stop event data and network flow data into a call detail record (column 12, line 60-column 13, line 62); and

a reformatter in communication with a post processing application device that reformats the data according to service provider requirements (column 7, lines 27-34).

Regarding claim 22, Reeder discloses an apparatus for aggregating accounting for network usage comprising (see figures 1-4):

an accounting adapter in communication with accounting start-stop event data (figures 1-4);

a network flow adapter in communication with network flow data (figures 1-4); and

an integrating accounting adapter in communication with accounting adapter and network flow adapter which correlates accounting start-stop event data and network flow data into a subscriber specific call detail record (figures 1-4).

However, Reeder does not teach network flow data including data regarding the number of packets utilized by a user. McCreery teaches network flow data including data regarding the number of packets utilized by a user (see abstract, columns 1-2 and 4-5). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine McCreery's features as described above with Reeder's method in order to record and track the network flow data including data regarding the number and type of packets utilized by a user for the purpose of accounting the usage of network as taught by Reeder.

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Claims 23-24 are written in application software and contain the same limitations as claim 1, therefore are rejected by the same rationale.

Regarding claims 26-35, McCreery discloses network flow data includes data regarding the type of packets utilized by user (column 2, lines 1-5).

Conclusion

7. Claims **1-24** and **26-35** are rejected.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on (703)305-9768.

9. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

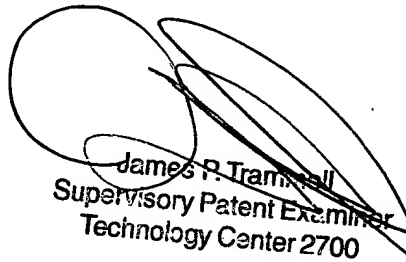
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(703) 308-5397 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington.
VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen
May 3, 2000


James P. Trankell
Supervisory Patent Examiner
Technology Center 2700